

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on May 18, 2009 at 3:30 p.m. in the Commissioners Board Room, Avery County Administrative Complex, Newland, NC.

Members Present: Kenny Poteat, Chairman; Phyllis Forbes, Vice-Chairman; Scott Heath; Martha Hicks; Glenn Johnson

Members Absent: None

Call To Order

Chairman Poteat called the meeting to order at 3:30 p.m.

Chairman Poteat advised there would be a time of public comment but if someone would like to speak to an agenda item they must sign up on the sheet with the clerk.

Glenn Johnson led prayer.

Public Comments

Kerry Buchanan who works for Avery County Schools spoke to the Board about a need that he would like to address with regard to school age children in single parent homes and broken homes. He asked the Board of Commissioners if they would support in words Avery County Schools as they pursue having citizens from the retired community work with these school age children. Mr. Buchanan said this was in the earliest stages and he would let the Board of Commissioners know more later about this program.

Phyllis Forbes stated that a former Commissioner, Bill Vance, had passed away and the Board should pay tribute to Mr. Vance.

Board Appointments

High Country Workforce Development Board

Robert Wiseman, County Manager, stated that the term of Tom Hughes, Director of Social Services will end on June 30, 2009 on the High Country Workforce Development Board and Mr. Hughes has chosen not to serve on that Board anymore and has requested that Truman Robbins, DSS Computer Systems Administrator, be appointed to that Board.

Motion by Phyllis Forbes and second by Glenn Johnson to appoint Truman Robbins, DSS Computer Systems Administrator, to the High Country Workforce Development Board beginning July 1, 2009 and continuing until the end of said term. Motion unanimously approved.

Chairman Poteat advised that by executive privilege the Board would continue on with the agenda until the appointed time of the public hearing at 3:50 p.m.

Resolution – Whitaker Branch Road

Chairman Poteat stated there is a petition with landowner's signatures asking that a portion of Whitaker Branch Road be added to the Secondary Road System. There is also a Resolution in support of adding approximately ½ mile of Whitaker Branch Road that is a private section of Road to the Secondary Road System. The portion of this road would be from address 753 to 1061. Kelly Buchanan, resident of Whitaker Branch Road, stated that he had tried to build the road to the state's standards. Eunice Buchanan, resident of Whitaker Branch Road, said there were approximately 11 school age children that live on the private portion of the road. Glenn Johnson stated that this would possibly also help these citizens get mail service. Scott Heath questioned if this was the first time that this had been requested. The Buchanan's answered that this was the second time that this had been requested. They also stated that there were no objections from any landowner's regarding this issue.

Motion by Scott Heath and second by Glenn Johnson to adopt the Resolution in support of adding approximately ½ mile of Whitaker Branch Road to the Secondary Road System. Motion unanimously approved.

The Board took a brief recess.

Following a 2 minute recess, the Board reconvened in Regular Session.

Motion by Martha Hicks and second by Scott Heath to go out of Regular Session and enter into a time of Public Hearing at 3:50 p.m. regarding the Avery County 2009 CDBG Scattered Site Housing Program. Motion unanimously approved.

Public Hearing – Avery County 2009 CDBG Scattered Site Housing Program

Board Members Kenny Poteat, Phyllis Forbes, Scott Heath, Martha Hicks and Glenn Johnson convened in a Public Hearing to discuss the Avery County 2009 CDBG Scattered Site Housing Program.

Michelle Ball, representative of the CDBG Program through High Country Council of Governments, stated that this Public Hearing was to receive citizen input concerning the upcoming application submission by Avery County to the NC Division of Community Assistance for Scattered Site Housing Program. Avery County will be getting \$400,000 as it does every 3 years and through the program the county will be taking applications for low income homeowners. A family of 3 income cannot be over \$22,450 dollars or around \$1800 a month and applications will be taken through June 19, 2009. The reason for the small window of time for applications is because of an abbreviated window the state has set to get the applications in. Ms. Ball stated that there will be an article in the papers this week giving more detail to the citizens regarding the applications. She said that there is a possibility there might be some funding available for small repairs in this program and the applications that come in will be looked at before there is a decision made about whether or not this will be a possibility. Ms. Ball advised that a home can be rehabilitated up to \$40,000. Homes that are unable to be fixed or older mobile homes will be replaced by a doublewide on a permanent foundation. She said Avery County's application is due to the state by August 31, 2009.

There were no public comments.

Scott Heath questioned if funding would be cut at all. Ms. Ball answered that this funding has been set for a year. Chairman Poteat stated this is the same amount that was awarded to Avery County 3 years ago. Chairman Poteat advised that this was for record only that the public hearing is held and that there is no action required by the Board.

Motion by Phyllis Forbes and second by Glenn Johnson to go out of the Public Hearing at 4:00 p.m. Motion unanimously approved.

Chairman Poteat stated that the Board was back in Regular Session after a time of Public Hearing.

Pro-Tek Cocoon Creations, LLC – Steve York

Steve York thanked the Board for the opportunity to meet with the Board today and the consideration for helping to get a new company in Avery County. Mr. York introduced Ronald Jordache who invented the motorized vehicle covers. He said that Bill Close and the EDC members introduced them to Chuck Poore who has a building in Pineola. Mr. York said that the company was in the prototype development portion of the product and the parts are ordered which should arrive in the next couple of weeks. He stated that the company is planning on using a portion of the building at Pineola during the first 10 months to build the prototype, test it and get it ready for a trade show in Las Vegas. There will be a lot of preliminary marketing before that. Mr. York said after the first ten months they are planning to go into full operation and will employ 15-18 people for the first year and hopefully expand after that. He said that they had found out that there possibly are funds available for lease assistance. Robert Wiseman, County Manager, stated that it has been status quo for the past several years that the County would appropriate money in the annual budget to take advantage of any opportunities that might come along for business opportunities. These are incentive monies that would be used to help attract and help in the beginning stages. He said that one thing that would be good to clarify is that these monies would be used to pay the rent for approximately 10 months and during that period of time there are certain maintenance issues that need to be performed to accommodate the business. It was the discussion that the money for the rent would start when maintenance began. Chairman Poteat questioned when the actual employment of local citizens would be. Mr. York answered that the plan is to start hiring around mid February 2010. Scott Heath advised that Avery County is a blessed place because of the diversification. Avery County has tourism, development and agriculture. He stated that he liked what he is hearing about this and thinks it is something that the Board needs to do. Glenn Johnson asked if this would be made from products in the United States. Bill Close, EDC member, answered that Pro-Tek has come up with a list of each piece used in the production of this product and this list has been forwarded to Mayland to come up with a list of suppliers in the Tri-County region. Mr. Close stated that EDC fully endorses this company.

Further discussion regarding Pro-Tek.

Motion by Scott Heath and second by Phyllis Forbes to expend the \$10,000 to help with the lease agreement between Pro-Tek Cocoon Creations and Pineola Properties contingent upon the research of the attorney for the possibility of a public hearing. Motion unanimously approved.

Criminal Justice Program – Bob Wilson

Bob Wilson, Director of New River Mental Health, stated that back in 1998 the Department of Corrections realized that a lot of crimes being committed had a high correlation of substance abuse so they decided to give offenders the option instead of going to prison to be involved in treatment. The Department of Corrections sent money to Avery County and Avery County awarded this to New River Behavioral Healthcare and NRBH has been running this program for 10 years now. The purpose of the Criminal Justice Partnership Act is to reduce the number of probation, reduce alcoholism and drug use among the criminals and reduce the cost of incarceration to the state and counties; this is a program that works closely with probation. Ida McNeil, New River Behavioral Healthcare, stated that the people eligible for the program is people who are on probation. The services offered are group treatment and individual treatment and also anger management has been added. Bob Wilson advised that 24 individuals were

served during a 12 month period. The amount of money awarded to Avery County this current year was \$51,254 and that does not require any local match which covers two part-time positions; the rest of the money goes to operating costs.

Mr. Wilson explained there is a board that oversees the Criminal Justice Program and is made up of probation, sheriff and different representatives from local county agencies but it is expected that a member of the County Commissioners be on the Board. Mr. Wilson said that the board meets 4 times a year, includes lunch and meets at the Avery Cares facility. There are 15 board members. Chairman Poteat stated he would volunteer for this board since he is on the JCPC board. By Consensus of the Board, Chairman Poteat will be on the Criminal Justice Program Board.

Avery County Rescue Squad; Linville Central Rescue

Chairman Poteat advised that there was information in the board packet from both the Avery County Rescue Squad and Linville Central Rescue. He said that he did not want this to be an argument and the Board was here to listen to their concerns. Martha Hicks questioned if the unit 1905 had been taken off the road or why it had not been answering calls. Bob Garland, Chief of Linville Central Rescue, stated that 1905 had been taken out of service last year and the unit was donated to a group who refurbishes ambulance units for use in Honduras. Chairman Poteat read verbatim per Avery County Rescue Squad, “we are making our guys get training every month, making our guys pull duty at least 2 days a week, providing a full time person Monday through Friday from 8:00 a.m. to 5:00 p.m. which is paid through donations and constantly running calls in Linville’s district because no one checks enroute from their station”. Charles McKinney, Avery Rescue Squad, stated that if a crash truck does not check enroute in the Linville district in 2 minutes then Communications repages and Avery Rescue checks enroute. He said there have been several times when they have not heard Linville Central check enroute and Avery Rescue has checked enroute. Bob Garland said that sometimes in the past Avery Rescue has responded and been the first unit that checks enroute and he felt that this was duplicating services. Charles McKinney stated that Avery Rescue was uncertain whether Linville Rescue Squad was chartered. Bob Garland said that Linville Rescue Squad was chartered through the Linville Volunteer Fire Department. Chairman Poteat stated that he was glad that both gentlemen could be at this meeting and that this is not the forum to “air dirty laundry” and that the task of the Board of County Commissioners is taxpayer’s money and how it is spent. There is an equal amount of money given to both institutions. Chairman Poteat stated there is a possible help in what we are all trying to do for this county and it was by unanimous consensus of this Board that the County Manager explore the possibility of rescue and fire coming under one umbrella. The County Manager advised that the consensus of the Board was for the County Manager to work in conjunction with all the parties involved to achieve better communication to deal with the issues through the Fire/Rescue Commission. This may have to go through legislature.

County Manager Updates – Robert Wiseman

Subdivision Ordinance

The County Manager stated that he had scheduled a meeting with Glenn Rhodes, NC Division of Community Assistance, after the budget meetings.

Tax Collector

The County Manager advised that he is presuming the Bill to make the Tax Collector an appointed position did meet the crossover deadline from going to the House to the Senate.

Firing Range

The County Manager stated that he met with Mr. Balleu on Friday in reference to the proposed transfer of property as to exactly whether the plan for the property is to be given to the county or if the county is going to be granted use of the property for the purposes of a skeet range, firing range, archery range, etc. There is a lot of work to be done on Mr. Balleu’s part if there is any chance for this to work.

Resolution for Traffic Light

The County Manager said that the draft of the Resolution would initiate a study to see if a traffic light can be placed at the intersection of Hwy 181 and Avery High School Road.

Motion by Scott Heath and second by Martha Hicks to adopt the Resolution regarding the possibility of placing a caution light at the intersection of Hwy 181 and Avery High School Road with the wording changed to caution light/traffic light and the word “Draft” taken off of the Resolution. Motion unanimously approved.

Investigation of Liquid Spill at Solid Waste Site

The County Manager advised that there is a press release on the liquid spill at the Solid Waste Site. The press release answers some questions and also gives public information about pesticide disposal. He said that he had a real problem when there are two people on the site and nobody can tell him how a 200 gallon container got in the solid waste container and this issue was being dealt with.

Jail Update

The County Manager stated that he is still waiting on word back from the architect. The documents have the revisions and have gone back to Raleigh.

Finance Officer Report – Tim Greene

The Avery County Jail has received a US Department of Justice State Criminal Alien Assistance Program grant in the amount of \$3,304. This grant will be for correctional purposes, i.e. jail use only. Troy Cook, Avery County Sheriff Detective, secured this grant through an outside firm so you will see why the debit is going back to the income account of \$1,156.40; the firm that secured the grant took back 35% of the grant but this was a 100% grant with no local match.

Motion by Martha Hicks and second by Glenn Johnson to approve the US Department of Justice State Criminal Alien Assistance Program Grant; Debit (105200.1475) \$2,147.60 and Debit (103614.0000) of \$1,156.40 and a Credit of (103614.0000) of \$3,304.0. Motion unanimously approved.

The County Manager stated that there is a new metal roof going on the courthouse and hopefully by Wednesday the job will be completed. Also, because of the deterioration of the courtyard, a new brick courtyard will be installed along with the sidewalks and around the Veterans signs. These bricks will be very durable more so than concrete.

County Attorney Report – Michaelle Poore

The County Attorney stated that there is nothing new to report to the Board that requires the Board's attention.

Closed Session

Motion by Phyllis Forbes and second by Martha Hicks to go into Closed Session under G.S. 143-318.11 (a) (6) regarding Personnel at 5:23 p.m. The Board, the County Attorney, the County Manager, the Clerk and Tommy Burleson, Director of Inspections, are all invitees. Motion unanimously approved.

The Board came out of Closed Session at 6:10 p.m. Chairman Poteat advised that no decision was made or votes taken during Closed Session.

Approval of Minutes

Motion by Phyllis Forbes and second by Scott Heath to approve the minutes for the Regular Session April 6, 2009. Motion unanimously approved.

Agenda Consent Items

Adopted by Consensus of the Board.

Upcoming Meetings

The next budget meeting will be Wednesday, May 20, 2009 at 4:30 p.m. The County Manager stated that he met Friday Morning with the managers from Mitchell and Yancey counties and they said even if they had additional monies to give Mayland and to the Toe River Health District that they would not do it. It is their intent to give the same money as last year.

Motion by Scott Heath and second by Martha Hicks to adjourn this meeting at 6:12 p.m. Motion unanimously approved.

**Kenny Poteat, Chairman
Avery County Board of Commissioners**

ATTEST: _____
Cindy Turbyfill, Clerk